

**GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES**  
**Department of Land Management Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning**  
**Wednesday, August 29, 2018 • 2:16 p.m. to 3:10 p.m.**  
**Notices were published in the Guam Post on Wednesday, August 22, 2018 and Monday,**  
**August 27, 2018 in the Guam Daily Post.**

I. **Call to Order**

**Acting Chairman Laguana** called the regular meeting of the Guam Ancestral Lands Commission to order at 2:16 p.m., noting a quorum. In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, August 22, 2018 and Monday August 27, 2018 in the Guan Daily Post.

II. **Roll Call**

Present were: Chairman Anthony Ada – absent, Vice Chairman Ronald Laguana, Commissioner Ronald Eclavea, Commissioner Anita Orlino, Commissioner Maria Cruz, Commissioner Antonio Sablan, Commissioner Louisa Wessling, Director Michael Borja -absent, Deputy Director David Camacho, Land Administrator Margarita Borja – absent, Legal Counsel Nicolas Toft, GALC Staff Land Agent Joey Leon Guerrero, and Recording Land Agent Stephanie Duenas.

III. **Approval of Minutes**

**Acting Chairman Laguana** on the agenda for approval of the minutes from the meeting of July 25, 2018 Members had an opportunity to review the minutes.

**Commissioner Cruz** under the Roll Call, just a correction that also present. It's not a Roll Call like the rest so, just put down also present were and then, the following names.

**Commissioner Sablan** motion to move to approve the minutes.

**Acting Chairman Laguana** motioned and approved by Commissioner Eclavea. Is there a second?

**Commissioner Sablan** seconds the motion.

**Acting Chairman Laguana** It's been seconded by Commissioner Sablan, there were no discussion noted. Acting Chairman Laguana put the motion to a vote. All in favor of the GALC Meeting Minutes of July 25, 2018 say "aye" [Acting Chairman Laguana, Commissioner Eclavea, Commissioner Cruz, Commissioner Sablan, Commissioner Wessling, Commissioner Orlino, all opposed say "nay" **[Motion passed; 6 ayes, 0 nay]**

**[Acting Chairman Laguana commented to make changes of the minutes, also present were Director]**

#### **IV. Title Hearing**

**[Acting Chairman Laguana introduced Lot 201, Piti Lot Apra Harbor B-2 also, referred to as Parcel N-12B. the Ostensible Owner at the Time of Taking Juliana Cruz Mendiola. do we have applicant present? Please come forward and state your name for the record. He mentions that Joey Leon Guerrero will be the Facilitator for the family. Attachment on file – Facilitator’s Guide.]**

##### **Exhibit A**

- Ancestral Title and Compensation Application for Pedro Cruz Mendiola for Lot 201 Piti, claiming that Juliana Cruz Mendiola is the original Land Owner and that he is the grandson, received by Guam Ancestral Lands Commission on May 25, 2018.
- Affidavit of Pedro Cruz Mendiola for Lot 201 Piti received by Guam Ancestral Lands Commission on May 25, 2018.
- Certificate of birth, Pedro Cruz Mendiola, Father – Ignacio Cruz Mendiola, received by Guam Ancestral lands Commission on May 25, 2018.
- Certificate of Death, Ignacio Cruz Mendiola, Mother – Juliana.
- Certificate of Death, Juliana Cruz Mendiola.
- Family tree of the applicant, received on May 25, 2018.
- Claim of Interest, Pedro C. Mendiola and Joseph Baza Mendiola for Lot 201 Piti recorded at the Department of Land Management under Instrument No. 921703 received on May 14, 2018.

##### **Exhibit B**

- 1941 Tax Roll for Piti: Recorded Owner – Mendiola, Juliana Cruz for Lot No. Aguada.

##### **Exhibit C**

- Docket No. 484, filed in the District Court of Guam, JUDGMENT for Civil Case no. 5-49, the United States of America acknowledged Julian, Cruz Mendiola, represented by Ignacio Cruz Mendiola, Guardian, Defendant(s), sole owner(s) and (claimants) of Lot 201, Estate 953, Piti, and that the sum of \$535.00.00 represents the compensation for the taking by the UNITED STATE OF AMERICA of Fee Simple Title Absolute dated and filed November 6, 1953.

##### **Exhibit D**

- Instrument No. 636645, Quitclaim Deed between the United States of America (Grantor) and the Guam Economic Authority (Grantee), for Lot Apra Harbor Reservation “B-2” also referred as Parcel N12-B.

##### **Exhibit E**

- Instrument No. 638645, Quitclaim Deed between the Guam Economic Development Authority (Grantor) and the Guam Ancestral Lands Commission (Grantee) property known as Lot Apra Harbor Reservation “B-2”, also referred to as Parcel “N12-B”.

[Continuation of Item IV, Title Hearing -]

## **Exhibit F**

- Surveyor's Certification for Lot 201, Piti. from Frank LG. Castro. Registered Land Surveyor #19. received by Guam Ancestral Lands Commission on August 13, 2018. **CONCLUSION.** Based on all as cited in the preceding paragraphs, He concludes that the Lot No. 201 is inside the boundary of the returned condemned parcel known as Lot Apra Harbor Reservation "B-2", also referred to as Parcel N12-B. and that the Guam Ancestral Lands Commission may likely adjudicate to convey title to the returned Lot No. 201, to the legal heir(s) of Estate 953 in Piti. Thereafter Grantees to the Estate will be responsible to have the land surveyed and mapped at their own expense.
- Earlier submittal of a Surveyor's Certification for Lot 201, Piti from L.G. Castro, Registered Land Surveyor #19 received by Guam Ancestral Lands Commission on may 25, 2018 but did not specify the parcel that Lot 201 is within Sketch of Lot 201 labeled Exhibit "B".
- Map Drawing No. NF1323321 Apra Harbor Reservation Boundaries and the lots condemned.
- NAVFAC Drawing No. 7943934 showing the boundary of Lot Apra Harbor Reservation "B-2", also referred to as Parcel N12-B.

## **Exhibit G**

- Abstract of Title from Pacific American Title Insurance and Escrow Company for Lot No. 201, Piti, Guam received by Guam Ancestral Lands Commission on May 5, 2018.

**Acting Vice Chair Laguana** any questions. no other questions noted, Acting Chairman Laguana was ready to entertain a motion for this application.

**Commissioner Eclavea** I'll finish my motion. based on exhibit A the applicant's application, exhibit B the 1941 tax roll showing Juliana Cruz Mendiola, exhibit C the District Court of Guam Judgment Civil Case, exhibit D the Quitclaim Deed from the United States of America to the Guam Economic Development Authority, exhibit E the Quitclaim Deed from GEDA to Guam Ancestral Lands Commission, exhibit F the Survey Certification, and exhibit G the Abstract of Title. I would make the motion to deed the property of the Estate of Juliana Cruz Mendiola, Lot 201, Piti.

**Commissioner Sablan** seconds the motion.

**Acting Vice Chairman Laguana** seconded by Commissioner Sablan; no discussion noted, Acting Chairman Laguana put the motion to a vote. All in favor of the motion say "aye." [**motioned passed; 6 ayes, 0 nay**]

## **V. New Business**

### **A. GEDA Monthly Report**

**Michael Cruz** with me today is Joann Cruz is our Program Coordinator with GEDA, she handles Real Property. our report is relatively short.

- **Apra Harbor Parcel No. 1 (Commissary Junction –**
  - **Kwikspace** - there is no changes, they're current with their rent.

- **Matson Navigation Company** - the same no changes and they're also current.

**Michael Cruz** as the Commission knows we issued an RFP to lease a portion of Polaris Point and the negotiating team has collaborated in basic terms and conditions and we forwarded that to the highest rank offeror and we're waiting for their response. Once we get that response assuming that everything is okay. We intend to present that at the next commission meeting.

- **N5D Mangilao (Route 15)**
  - there is really no change. That's still in court. We haven't issued an RFP for that just yet.
- **Wettengel Junction** –
  - we recently received a letter from the tenant Northern Market place and they are requesting that their Deferral of rent be extended. We are currently reviewing that because the applicant is not able to attend to this meeting. We're suggesting that, that be tabled to the next meeting.
- **Licenses Agreements for Tyan properties**
- **DPHSS WIC Program** -
  - we understand that, that agreement has been approved by the governor. And based on the commission's decision, GEDA will no longer be involved in that particular license. All of the payments will go directly to the commission.
- **Guam Environmental Protection Agency (GEPA)** -
  - that MOU is yet to be executed. We're still providing management services over that. there was a meeting on August 13<sup>th</sup> and I apologize I wasn't present at that meeting. maybe Dave or somebody else could talk about that. but, it's our understanding that the Guam Environmental Protection Agency wants to work with their federal counterpart to see whether they could secure funding to pay for their arrears.

**Deputy Director Camacho** the MOU has been signed by GEPA already and Chairman Ada. and it's in the process.

**Acting Chairman Laguana** any questions from the commissioners.

**[no other questions and/or comments from the commissioners]**

## **B. Land Owners Recovery Fund (LRF)**

**Commissioner Cruz** I recall we looked into the advertisement that we can't use Recovery Fund. my question is do we have any money from the administrator.

**Deputy Director Camacho** we referred this report to our Attorney and I asked him to comment on that.

**Legal Counsel Toft** in reviewing it, it looks like it would be acceptable under either one of subsection 1 or, subsection 5 in reviewing this. any of these unidentified ones would be perspective lands claims as well. so, I think it will b covered by either one.

**Deputy Director Camacho** just for your information it went to two audits already. This thing was brought up and it was approved already by the audit.

**Commissioner Cruz** do we have any other funds to use for the advertisement.

**Deputy Director Camacho** no we don't have any fund but, for the new account is directly addressing the land bank dispose land owner. It's not the regular claimants that were returning the property. that money will not fit on that. on the new account that we opened the infrastructure. we have no other account.

**Acting Chairman Laguana** the next step is to follow the process.

## VI. **Public Comments**

[Seeing none, Acting Chairman Laguana, closed the public comment period.]

## VII. **Director's Report**

**Deputy Director Camacho** we're starting on the payments that we're being received from Polaris Point. We're already addressing it and depositing it on the new account.

**Commissioner Cruz** do we need to have a policy, a resolution on what we're going to use that funding for. or, can it just be a blanket in relationship of improvement of the...

**Deputy Director Camacho** if they identify what it's for. and we're asking from the board if you know somebody that's the heirs of those land owners let us know. We're trying our best to communicate with them. It's up to you board, you make the decision.

**Acting Chairman Laguana** I just want to let the commissioners know but, Mr. Director I think we instructed you to give us a price code.

**Deputy Director Camacho** it all depends on what type of advertisement of whether the size is a full size or half page.

**Acting Chairman Laguana** draft up the actual size and the cost of the ad.

**Acting Chairman Laguana** no additional comments and/or questions noted, Acting Chairman Laguana closed the director's report period.

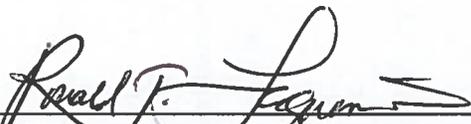
**VIII. Adjournment**

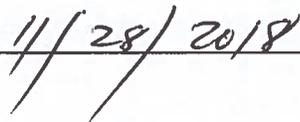
**Acting Chairman Laguana** mentions there's no further discussion for the meeting and calls this meeting adjourned.

**The regular meeting of the Guam Ancestral Land Commission Meeting for Wednesday, August 29, 2018 was adjourned at 3:10 p.m.**

Approved by:

Date approved:

  
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Ronald Laguana, acting Chairman  
Guam Ancestral Lands Commission

  
\_\_\_\_\_  
11/28/2018

Transcribed by:

  
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Stephanie Duenas, Recording Land Agent  
DLM, Guam Ancestral Lands Division